



Public Utility Commission of Texas

7800 Shoal Creek Boulevard
Austin, Texas 78757-1098
512/458-0100 • (Fax) 458-8340

Robert W. Gee
Chairman

Sarah Goodfriend
Commissioner

Pat Wood, III
Commissioner

March 8, 1995

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Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

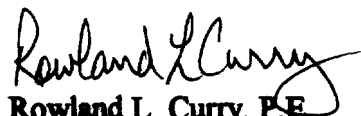
FCC MAIL ROOM
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Subject: CC Docket No. 94-158, Amendment of Policies and Rules Concerning
Operator Service Providers and Call Aggregators

Dear Mr. Caton:

Enclosed for filing are an original and nine copies of Comments of the Public Utility Commission of Texas in the above referenced proceeding.

Sincerely,


Rowland L. Curry, P.E.
Director
Telephone Utility Analysis

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PUBLIC INFORMATION (512) 458-0366
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of

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Amendment of Policies and Rules
Concerning Operator Service
Providers and Call Aggregators

CC Docket No. 94-158

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COMMENTS OF
THE PUBLIC UTILITY COMMISSION OF TEXAS

I. INTRODUCTION

1. The Public Utility Commission of Texas (PUCT) hereby submits its comments in response to the Notice of Proposed Rulemaking and Notice of Inquiry issued February 8, 1995. The Federal Communications Commission (FCC) seeks comment on amendment of policies and rules concerning Operator Service Providers (OSPs) and call aggregators. Specifically, the FCC proposes amendments to require branding to parties on both ends of a collect call and to establish minimum standards for aggregators to follow in routing and handling emergency calls. In addition, it seeks comment on two other issues: (i) whether the definition of "aggregator" should be expanded to apply to correctional institutions and what, if any, changes should be made in the treatment of entities that provide interstate telecommunications services to prisons and correctional facilities and (ii) whether its rules should be amended to prescribe a time limit for updating consumer information posted on or near aggregator telephones in the event the presubscribed OSP has changed.

II. COMMENTS ON PROPOSED AMENDMENTS AND POLICY QUESTIONS

Branding Collect Calls

2. The PUCT supports the FCC's proposed amendment to the definition of "consumer" in Section 64.708(d). The amendment adds the following sentence to the definition: "In collect calling arrangements, both the party on the originating end of the call and the party on the terminating end of the call are consumers under this definition." By thus amending the definition of consumer, the requirements for OSPs to identify themselves and disclose rate, collection, and complaint procedures information at no charge would apply to customers at both ends of an interstate collect call. Currently, by definition, consumer refers only to the person originating the interstate call.

3. The PUCT supports the proposed amendment which is consistent with a rule that already exists in Texas. PUCT Substantive Rule 23.55(e)(2) requires an OSP, in addition to identifying itself to the caller, to audibly and distinctly identify itself to the billed party before a call is completed if the billed party is different from the caller.

4. The PUCT has no data to respond to the FCC's request for information on the cost of compliance with this proposed rule change or the ratio of collect calls to all operated-assisted calls.

Emergency Calls

5. The PUCT supports the FCC's proposed rule change to require that aggregators be subject to the same requirements for routing and handling emergency calls that apply to OSPs. Specifically, the PUCT agrees with the example requiring aggregators to program their equipment to recognize emergency dialing sequences and allow consumers to place such calls without charge.

6. For intrastate calls placed in Texas, PUCT Substantive Rule 23.55(g)(1) states that the contract between the OSP and call aggregator shall require the call aggregator to allow 911 calls to be outpulsed directly to the Public Service Answering Point without requiring a coin or credit card.

Treatment of Inmate-Only Telephones in Correctional Institutions

7. OSPs providing service to telephones in correctional facilities in Texas are exempt from some but not all of the requirements listed in PUCT Substantive Rule 23.55. Requirements that do apply to telephones located in confinement facilities include the following:

- **Requirements before call is completed**, subsection (e). The provider of operator service shall audibly and distinctly identify itself to the customer and to the billed party, if the billed party is different from the caller, upon answering calls. In addition, the OSP must quote rate information at the caller's request, without charge, 24 hours a day, seven days a week; and permit the caller to terminate the call at no charge prior to completion of the call by the OSP;
- **Uncompleted call**, subsection (f). The OSP is not allowed to charge the caller for any uncompleted call; and
- **Customer complaints**, subsection (h). The OSP must investigate all complaints made by a consumer or by the PUCT on behalf of the consumer. If a consumer is not satisfied by the

OSP's response, the OSP must inform the consumer of the PUCT's complaint process. In addition, the OSP must keep records of all complaints.

8. The PUCT recommends, at a minimum, requiring that telephones in inmate-only correctional facilities not be exempt from the subsections of the FCC's rules concerning OSPs and call aggregators that correspond to PUCT Substantive Rule 23.55 subsections (e), (f), and (h).

Time Limit for Updating Consumer Information Posting

9. The PUCT has no specific time limit for updating consumer information posting on aggregator telephones. However, in an attempt to provide the consumer with important information that will vary by OSP, such as the OSP's name and telephone number, the PUCT recommends that the FCC amend its rules concerning OSPs and call aggregators to require the aggregator to update the consumer information posting no later than thirty days after the presubscribed OSP has begun offering service at the telephone set. Even if a large number of telephone sets require new posting information, thirty days is ample time to create and post the new information at each telephone set. In cases where the local exchange carrier (LEC) is the owner of the telephone set, the LEC should be responsible for updating the consumer information posting, including information regarding the interLATA OSP.

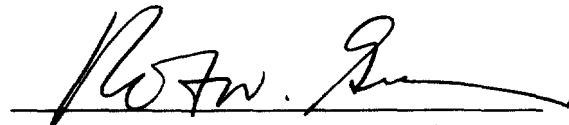
III. CONCLUSION

10. The PUCT recommends that the FCC adopt the two proposed amendments to its rules concerning OSPs and call aggregators adding both parties of a collect call to its definition of "consumer" in Section 64.708(d) and making aggregators subject to the same requirements for routing and handling emergency calls that apply to OSPs in Section 64.706. In addition, the PUCT recommends additional amendments to the FCC's rules concerning OSPs and call aggregators, including: (i) at a minimum, making telephone sets in inmate-only correctional facilities subject to the same requirements as they are subject to in PUCT Substantive Rule 23.55 and (ii) requiring call aggregators to update the consumer information posting no later than thirty days after the new presubscribed OSP has begun providing service to the telephone set.

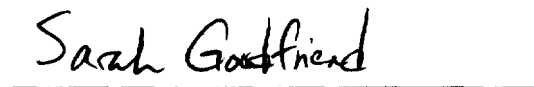
Respectfully submitted,

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Austin, Texas 78757

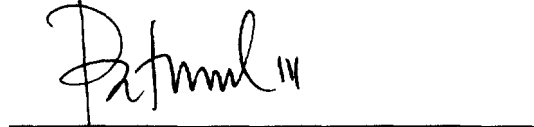
March 8, 1995

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Robert W. Gee
Chairman

A handwritten signature in cursive script, appearing to read "Sarah Goodfriend", written over a horizontal line.

Sarah Goodfriend
Commissioner

A handwritten signature in cursive script, appearing to read "Pat Wood, III", written over a horizontal line.

Pat Wood, III
Commissioner